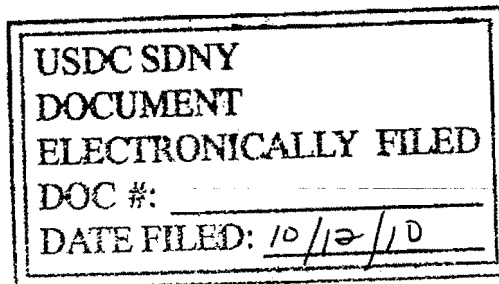


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
JUAN ALONSO et al., on behalf of
themselves and others similarly
situated,

Plaintiffs,

-against-

08 Civ. 7813 (DAB)
ORDER

UNCLE JACK'S STEAKHOUSE, INC., et al.

Defendants.

-----X
DEBORAH A. BATTIS, United States District Judge

On September 20, 2010, Defendants' counsel Valli Kane & Vagnini, LLP filed a Motion to Withdraw as Counsel for Defendant Dennis Borysowski. In an accompanying Affidavit, filed pursuant to Local Rule 1.4, Jesse Rose, an associate at Valli Kane & Vagnini LLP, states that

During the course of discovery numerous allegations have been made by Plaintiffs relating to Defendant Borysowski's actions. Specifically, Defendant Borysowski has been alleged to have altered records and performed what could be considered illegal acts. Rose Aff. ¶3.

Defendants' counsel states that because there are allegations that Defendant Borysowski committed illegal acts without the knowledge or consent of the other Defendants in this case, further representation of Defendant Borysowski would require Defendants' counsel to violate the Rules of Professional Conduct, Rule 1.7(1).

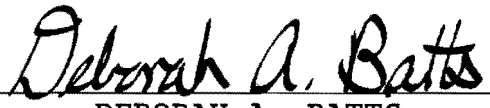
It is well-settled that "an attorney who continues to

represent a client despite the inherent conflict of interest in his doing so [...] risks an ethical violation." Healey v. Chelsea Resources, Ltd., 947 F.2d 611, 623 (2d Cir. 1991). Accordingly, this is sufficient grounds to grant leave to withdraw. In light of counsel's representations to the Court that a conflict of interest has arisen, the Court GRANTS Defendants' counsel's application to withdraw, on the condition that Defendants' counsel serve copies of this Order upon Defendant Borysowski and upon Plaintiffs, and file proof of such service with the Court.

By November 12, 2010, Defendant Borysowski SHALL (1) retain new counsel who shall file a notice of appearance with the Court, OR (2) advise the Court and Plaintiffs that he has chosen to proceed pro se.

SO ORDERED.

Dated: New York, New York
October 12, 2010


DEBORAH A. BATTS
United States District Judge